

REMARKS/ARGUMENTS

Claims 1-40 are presented for the Examiner's consideration. Claims 1-20 are under consideration and claims 21-40 are withdrawn from consideration.

Pursuant to 37 C.F.R. § 1.111, reconsideration of the present application in view of the foregoing amendments and the following remarks is respectfully requested.

In the July 16, 2003 Office Action, the Examiner required a restriction. Group I consist of claims 1-20 and Group II consist of claim 21-40. As set forth by the Examiner, Group I is directed coform nonwoven web and Group II is directed to a method of making the coform nonwoven web. During a telephone conversation with the Examiner on July 8, 2003, Applicants' undersigned representative provisionally elected, with traverse, Group I, claims 1-20.

Applicants traverse this restriction requirement on the basis that a full and proper consideration of the product claims must also include the process claims. Further, the Examiner's statement that the coform web can be obtained by using an air-laying process is incorrect. Substantially continuous filaments can not be air-laid since an air laying process requires short staple type fibers. In any event, Applicants request that the process claims be rejoined with the product claims upon finding the product claims allowable, in accordance with MPEP 8.21.04, since the product limitations of independent claim 1 appear in independent process claim 21.

Claim 7 has been amended to change the incorrect term "polymer" to the term "filament". Support for this amendment is found on page 8, line 24, among other locations in specification. Clearly, it is the filament, not the polymer which is bicomponent

Claim 18 was rejected under 35 U.S.C. § 112, second paragraph, failing to particularly point out and distinctly claim the subject matter which the Applicants regard as the invention. This rejection is respectfully **traversed**.

The Examiner finds that Claim 18 is indefinite on the basis that the phrase "essentially vertical layering lay-down structure" is unclear. Applicants point the Examiners attention to the paragraph bridging pages 22 and 23 of the specification and corresponding Figures 4 and 5. As stated in the specification, the coform nonwoven web of the present invention has a more vertical arrangement than conventional coform, due to the high level of filament oscillation of the filaments during formation. Applicants are therefore of the opinion that the phrase is explained, illustrated and described in the specification so that one of ordinary skill in the art to understand the meaning of this phrase. Applicants respectfully request that the Examiner withdrawn this ground of rejection.

Claims 1-6, 12-18 and 20 were rejected under 35 U.S.C. § 102 (b) as allegedly being anticipated and thus unpatentable over U.S. Patent Number 5,952,251 to Jackson et al. This rejection is respectfully **traversed**.

Before addressing this rejection, Applicants believe that it would be beneficial to describe the present invention.

Applicants' claims are directed to a coform nonwoven web having a substantially uniform structure. The nonwoven web is prepared from a plurality of substantially continuous multicomponent thermoplastic filaments and a second material. The second material may be fibers, particles, or a mixture of fibers and particles. In addition, the claims require that the second material is substantially uniformly dispersed within the multicomponent thermoplastic filaments in the z-direction of the coform nonwoven web.

In order for a claim to be anticipated by a reference, each and every claim limitation must be taught by the reference. In the present rejection under 35 USC § 102(b), the Examiner has not explained how the limitation of requiring the presence of substantially continuous multicomponent filaments are taught by Jackson et al. The continuous fibers described by Jackson et al. are not described as being multicomponent filaments. In fact, the Examiner's own rejection seems to suggest that Jackson does not teach multicomponent filaments. Specifically, claims 7-9 were not rejected by the Examiner. Further, the Examiner states on page 6 of the Office action that Jackson et al. is silent with regard to bicomponent fibers. Bicomponent filaments are the simplest of the multicomponent filaments. Therefore this limitation is clearly not taught by Jackson et al.

While Jackson et al. does disclose that bicomponent staple fibers may be present as the second component in the coform material described by Jackson et al., there is no suggestion in Jackson et al. that the first spunbond or meltblown substantially continuous filaments can be multicomponent filaments. On page 4 of the Office Action, the Examiner implies, but does not specifically state, that a blend of polymers results in a multicomponent filament. In this regard, the Examiner attention is directed to page 6 of the specification. The term "multicomponent fibers" does not cover fibers made from a blend of polymers. The term "multiconstituent fibers" cover fibers formed from a blend. Therefore, a fiber or filament prepared from a blend of polymers does not result in a multicomponent fiber. For this reason, claims 1-6, 12-18 and 20 are not anticipated by U.S. Patent 5,952,251 to Jackson et al.

Second, the Examiner has not addressed the claim limitation regarding the uniformity of the second material in the multicomponent filaments. In the paragraph at the bottom of page 4 of the Office Action, the Examiner states "with regard to the dispersing the multicomponent fibers in the z-direction and the wicking distance recited in claim 12., Jackson et al. does not explicitly state these

limitations, however it is reasonable to presume these limitations are inherent to the coform of Jackson" (emphasis added). This statement by the Examiner in the rejection shows that the Examiner has not fully considered the claim limitations. Specifically, the claims require that the second material is substantially uniformly dispersed within the multicomponent thermoplastic filaments in the z-direction. Stated another way, in the z-direction, the second material is substantially uniformly dispersed within the multicomponent thermoplastic filaments. As is set forth on page 22, lines 27-31 of the specification, the uniform structure is believed to impart the fluid handling characteristics and wicking of the coform material. In fact, the examples of the specification show that the high speed oscillation improves the fluid handling properties of the coform. Therefore, the examples of the specification clearly show that the properties of the claimed coform web are not the same as a coform web made without the high speed oscillation. Hence, the properties claimed are not inherent in Jackson et al.

For the forgoing reasons, the rejection under 35 USC § 102(b) is untenable and should be withdrawn.

Claims 1, 2, 6-9, 12, 14 and 20 were rejected under 35 U.S.C. § 102 (b) as allegedly being anticipated and thus unpatentable over WO 00/66824 to Neely et al. This rejection is respectfully **traversed**.

Again, it is pointed Applicants' claims are directed to a coform nonwoven web having a substantially uniform structure. The nonwoven web is prepared from a plurality of substantially continuous multicomponent thermoplastic filaments and a second material. The second material may be fibers, particles, or a mixture of fibers and particles. In addition, the claims require that the second material is substantially uniformly dispersed within the multicomponent thermoplastic filaments in the z-direction of the coform nonwoven web.

The Examiner's statement of the rejection shows that the Examiner has not fully considered the claims. As is emphasized above, the claims require the second material to be uniformly dispersed within the multicomponent thermoplastic filaments, in particular in the z-direction. The Examiner correctly states that Neely teaches that the continuous fibers are oriented in the z-direction, but never addresses uniformity of the second material in the z-direction. Orientation of fiber in the z-direction is different from uniformity in the z-direction. A fiber could have a z-direction orientation, but the web could be non-uniform in the z-direction. The converse is also true. That is, a material may be uniform in the z-direction but have no z-direction orientation.

For this reason, Neely et al. fails to anticipate the present claims, since not all of the claim limitations are suggested by Neely et al. Therefore, the rejection under 35 USC § 102 (b) based on Neely et al. is untenable and should be withdrawn.

Claims 9 and 10 were rejected under 35 U.S.C. § 103 as allegedly being obvious to one of ordinary skill in the art at the time the invention was made and thus unpatentable over U.S. Patent Number 5,952,251 to Jackson et al. or WO 00/66824 to Neely et al in view of WO 00/34567 to Fontenot et al. This rejection is respectfully **traversed**.

Jackson et al. and Neely et al. fail to teach uniformly dispersing a second material into substantially continuous multicomponent filaments. In addition, Jackson et al. fails to teach substantially continuous multicomponent filaments.

Fontenot et al. fails to remedy the deficiencies of Jackson and Neely. Fontenot et al. is directed to an air-laid absorbent structure. Air-laid structures do not contain continuous filaments and an air-laid process cannot handle continuous filaments. An air-laid process requires staple-type fibers. Actually, the Examiner relies on Fontenot et al. to teach the claim density of claims 9 and 10. It is noted that claims 10 and 11 specify the density of the claimed nonwoven web. In any event, Fontenot does not teach uniformly dispersing a second material into substantially continuous multicomponent filaments. Therefore, Fontenot et al. fails to remedy the deficiencies of Jackson et al. and Neely et al., even if Fontenot et al. teaches an absorbent structure having the density of claims 10 and 11.

In order of a combination of references to render a claim obvious, the invention "as a whole" including all of the limitations of the claims must be taught by the references relied upon. Given that none of the references relied upon by the Examiner teach uniformly dispersing a second material into substantially continuous multicomponent filaments, the combination of Fontenot et al. with Neely et al. or Jackson et al. does not establish a proper rejection under 35 U.S.C. § 103. Hence, this rejection is also untenable and should be withdrawn.

Claim 19 was rejected under 35 U.S.C. § 103 as allegedly being obvious to one of ordinary skill in the art at the time the invention was made and thus unpatentable over U.S. Patent Number 5,952,251 to Jackson et al. in view of WO 00/66824 to Neely et al. This rejection is respectfully **traversed**.

In the statement of the rejection, the Examiner acknowledges that Jackson et al. is silent with respect to the specific bicomponent fiber claimed and relies on Neely to remedy this deficiency. As is set forth by Applicants' specification, bicomponent fibers or filaments have many different configurations (page 6, lines 11-28). Neely et al., does not specifically teach the Applicants' claimed A/B/A fiber configuration for the multicomponent substantially continuous filaments. As is stated above, Jackson et al. does not teach the use of substantially continuous multicomponent thermoplastic filaments. Further, given that Neely et al. fails to teach the A/B/A fiber configuration,

Appl. No. 10/023,148
Amdt. dated November 11, 2003
Reply to Office Action of July 16, 2003

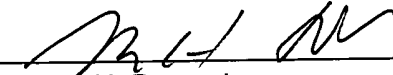
not all of the claim limitations of claim 19 is thought by the combination of Jackson et al. with Neely et al. Hence, this rejection is also untenable and should also be withdrawn.

For the reasons stated above, it is respectfully submitted that all of the presently presented claims are in form for allowance.

Please charge any prosecutorial fees which are due to Kimberly-Clark Worldwide, Inc.
deposit account number 11-0875.


The undersigned may be reached at: 770-587-7204.

Respectfully submitted,
Matela ET AL.

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CERTIFICATE OF MAILING

I, Ralph H. Dean, Jr., hereby certify that on November 11, 2003 this document is being deposited with the United States Postal Service as first-class mail, postage prepaid, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

By: 
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